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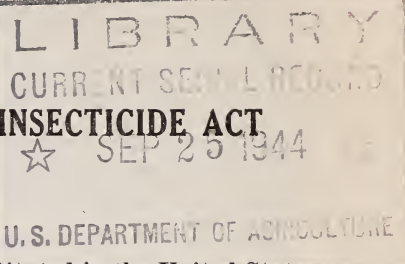
United States Department of Agriculture

WAR FOOD ADMINISTRATION

OFFICE OF DISTRIBUTION

NOTICES OF JUDGMENT UNDER THE INSECTICIDE ACT

1896-1910



The notices of judgment herewith relate to cases instituted in the United States district courts and are approved for publication as provided in section 4 of the Insecticide Act of 1910 (36 Stat. 331).

Ashley Sellers

Acting War Food Administrator.

WASHINGTON, D. C. July 20, 1944.

1896. Adulteration and misbranding of "Worth-Mor Dry Insecticide." U. S. v. The Kay-Dee Feed Company, a corporation. Plea of guilty. Fine \$50 and costs. (I. & F. No. 2327. I. D. No. 7131.)

Analysts of "Worth-Mor Dry Insecticide" showed that the product contained 21.9 percent of naphthalene, 1.14 percent of sulphur, 0.004 percent of nicotine, and creosote recognized by odor.

On November 27, 1943, the United States attorney for the Northern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district court an information against The Kay-Dee Feed Company, alleging shipment in interstate commerce, on or about February 10, 1943, from Sioux City, Iowa, to Jackson, Minn., of a quantity of "Worth-Mor Dry Insecticide" which was an adulterated and misbranded insecticide within the meaning of the Insecticide Act of 1910.

The product was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, as shown by the following statement: "Active Ingredients Naphthalene 31% Creosote Oil 1% Sulphur 5% Tobacco 1% Inert Matter 62%," whereas the product contained less than 31 percent of naphthalene, less than 5 percent of sulphur, more than 62 percent of inert ingredients, and only the nicotine in the tobacco was active.

The product was alleged to be misbranded in that the statement of ingredients, as quoted in the preceding paragraph, borne on the labels, was false and misleading and, by reason thereof, the product was labeled and branded so as to deceive and mislead the purchaser.

On December 21, 1943, a plea of guilty was entered, and the court imposed a fine of \$25 on each of two counts together with the costs of prosecution.

1897. Adulteration and misbranding of "Pioneer Brand Lice Powder." U. S. v. Ralph E. Shores and Wilbur F. Bartels, copartners operating as Bartels & Shores Chemical Company. Plea of nolo contendere. Fine \$50. (I. & F. No. 2301. I. D. No. 4573.)

Analysis of a sample of "Pioneer Brand Lice Powder" showed that this product contained 0.29 percent of sodium fluoride, 3.8 percent of sulphur, 19.7 percent of naphthalene, and 0.03 percent of nicotine as active ingredients. The preparation thus contained 23.82 percent of active ingredients and 76.18 percent of inert ingredients.

On March 5, 1943, the United States attorney for the Western District of

Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Ralph E. Shores and Wilbur F. Bartels, copartners operating as Bartels & Shores Chemical Company, alleging shipment in interstate commerce, on or about April 24, 1942, from Kansas City, Mo., to Clarinda, Iowa, of a quantity of "Pioneer Brand Lice Powder" which was an adulterated and misbranded insecticide within the meaning of the Insecticide Act of 1910.

The product was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, as shown by the following statement: "Ingredients Sodium Fluoride 2% Sulphur 10% Naphthalene 37% Tobacco Flour 10% Inert Ingredients 41%," whereas the product contained less than 2 percent of sodium fluoride, less than 10 percent of sulphur, less than 37 percent of naphthalene, and more than 41 percent of inert ingredients.

The product was alleged to be misbranded in that the statement of ingredients, as quoted in the preceding paragraph, borne on the label, was false and misleading and tended to deceive and mislead purchasers, since the product contained less sodium fluoride, less sulphur, less naphthalene, and more inert ingredients than was claimed, and since the tobacco flour other than nicotine was inert.

On June 10, 1943, a plea of nolo contendere was entered, and the court imposed a fine of \$50.

1898. Adulteration and misbranding of "Zip Rotenone Dust." U. S. v. William C. Anderson and John C. Nichols, copartners trading as Anderson & Spilman. Plea of guilty. Fine \$150. (I. & F. No. 2305. I. D. Nos. 3521 and 5221.)

Examination of samples of "Zip Rotenone Dust" showed that this product consisted of sulphur and organic material (cube root powder) together with a small amount of siliceous material.

On September 30, 1943, the United States attorney for the Eastern District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the district court an information against William C. Anderson and John C. Nichols, copartners trading as Anderson & Spilman, alleging shipments in interstate commerce, on or about April 2, 1941, and July 1942, from Danville, Ky., into the State of Indiana, of quantities of "Zip Rotenone Dust" which was an adulterated and misbranded insecticide within the meaning of the Insecticide Act of 1910.

The product shipped on or about April 2, 1941, was alleged to be misbranded in that the statement, "Rotenone Dust," borne on the labels affixed to the bags containing the product, was false and misleading and, by reason thereof, the product was labeled so as to deceive and mislead the purchaser, since the statement purported and represented that the product was rotenone dust, whereas it was not rotenone dust but consisted of sulphur, powdered cube root, and siliceous material.

The product was alleged to be misbranded further in that the statements, "Safe to Use—Contains No Poisons," "1 LB net when packed," and "Zip Rotenone Dust for Garden Pests," borne on the labels affixed to the bags containing the product, were false and misleading and, by reason thereof, the product was labeled so as to deceive and mislead the purchaser, since the statements purported and represented that the product contained no poisons, that the bags each contained 1 pound net of the product, when packed, and that it would control all garden pests, whereas it was poisonous, each bag contained less than 1 pound net of the product, and it would not control all garden pests.

The product shipped in July 1942 was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, as shown by the following statement:

| Active Ingredients: | Parts |
|-------------------------------|-----------------|
| Rotenone from Cube Roots..... | 1.00% |
| Other Ether Extractives..... | 2.00% |
| Sulphur..... | 82.00% |
| Inert Ingredients..... | 15.00% |
| | <hr/> 100.00%," |

whereas the product contained rotenone from cube roots in a proportion less than 1 percent, and other ether extractives in a proportion less than 2 percent.

The product was alleged to be misbranded in that the statement of ingredients, as quoted in the preceding paragraph, borne on the labels, was false and mis-

leading and, by reason thereof, the product was labeled and branded so as to deceive and mislead the purchaser.

The product, in the shipment of July 1942, was alleged to be misbranded further in that the statements, "Rotenone Dust," "Safe to Use—Contains No Poisons," "1 LB Net When Packed," and "Zip Rotenone Dust for Garden Pests," borne on the labels affixed to the bags, were false and misleading and, by reason thereof, the product was labeled so as to deceive and mislead the purchaser, since the statements purported and represented that the product was rotenone dust, that it contained no poisons, that the bags in which it was packed contained 1 pound net of the product, and that it would control all garden pests, whereas the product was not rotenone dust but consisted of sulphur, powdered cube root, and siliceous material, it was poisonous, each bag in which it was packed contained less than 1 pound net of the product, and it would not control all garden pests.

On January 15, 1944, a plea of guilty was entered, and the court imposed a fine of \$50 on each of three counts.

1899. Adulteration and misbranding of "Pine Oil Disinfectant." U. S. v. 66 one-gallon bottles of "Pine Oil Disinfectant." Decree of condemnation, forfeiture, and destruction. (I. & F. No. 2339. I. D. Nos. 7534 and 7540.)

Analysis of "Pine Oil Disinfectant" showed that the product consisted of pine oil disinfectant and water, the water content being 31.4 percent.

On November 29, 1943, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 66 one-gallon bottles of "Pine Oil Disinfectant" at Washington, D. C., alleging that the product had been shipped in interstate commerce, on or about July 21, 1943, by the Cole Laboratories, Inc., from Long Island City, N. Y., and charging that the product was a misbranded and adulterated fungicide within the meaning of the Insecticide Act of 1910.

The product was alleged to be adulterated in that (1) its strength and purity fell below the professed standard and quality under which it was sold, since the product was labeled "Pine Oil Disinfectant Coef. 4-6FDA," and (2) in view of the statement, "Inert Material 18-20%," borne on the labels, whereas the product had a phenol coefficient of less than 4.0, consisted of pine oil disinfectant and water, and contained more than 20 percent of inert material (water).

The product was alleged to be misbranded in that the statements, "Pine Oil Disinfectant Coef. 4-6FDA," "Contents One Gallon," "Inert Material 18-20%," and "Jacobs The Paper Man, 5830 Georgia Avenue NW," borne on the labels, were false and misleading and tended to deceive and mislead the purchaser, since the statements purported and represented that the product was pine oil disinfectant, that it had a phenol coefficient of not less than 4.0, that the bottles contained not less than 1 gallon each, that the product did not contain more than 20 percent of inert material (water), and that Jacobs The Paper Man, 5830 Georgia Avenue NW., was the manufacturer of the product, whereas the product consisted of pine oil disinfectant and water, did not have a phenol coefficient of 4.0, the bottles contained less than 1 gallon each, the product contained more than 20 percent of inert material (water), and it was not manufactured by Jacobs The Paper Man, at 5830 Georgia Avenue NW.

On December 30, 1943, no claimant having appeared, judgment of condemnation and forfeiture was entered, and the United States marshal was ordered to destroy the product.

1900. Adulteration and misbranding of "Go-Fecto No. 2." U. S. v. Goulard & Olena, Inc. Plea of guilty. Fine of \$200 each on two counts; suspended sentence on two other counts. (I. & F. No. 2324. I. D. Nos. 2528 and 6005.)

Analyses of samples of "Go-Fecto No. 2" showed that the product consisted of soap, water, pine oil, and about 50 percent of mineral oil. Bacteriological examination of two samples of the product showed a phenol coefficient of 0.5 in one sample and 0.35 in the other, the samples being only one-half and one-third, respectively, as strong as carbolic acid when tested against *B. typhosus*.

On September 28, 1943, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Goulard & Olena, Inc., alleging shipment in interstate commerce, on or about February 24, 1941, and March 25, 1943, from Jersey City, N. J., into the State of New York, of quantities of "Go-Fecto No. 2" which was an adulterated and misbranded fungicide within the meaning of the Insecticide Act of 1910.

The product was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, since

(1) it was labeled, "Inert Ingredient: Water 10%," and it contained inert ingredients in excess of 10 percent; and (2) the statement, "Special Compound Pine Oil Disinfectant," purported and represented that the product was a pine oil disinfectant, whereas mineral oil had been substituted in part for pine oil.

The product was alleged to be misbranded in that the statements, "Special Compound Pine Oil Disinfectant" and "Inert Ingredient: Water 10%," borne on the label, were false and misleading and, by reason thereof, the product was labeled so as to deceive and mislead purchasers, since it consisted of pine oil and mineral oil, the mineral oil was an inert ingredient as well as the water, and the combined inert ingredients were in excess of 10 percent.

The product was alleged to be misbranded further in that the statements, "Go-Fecto No. 2 forms a uniform emulsion when mixed with water. . . . Go-Fecto No. 2: — is guaranteed stronger bacteriologically than Pure Carbolic Acid, when tested against a vigorous culture of *B. Typhosus* organism. Go-Fecto No. 2: — is recommended in the proportion of one (1) part of Go-Fecto No. 2 to 40 parts of water to aid in combating the spread of infections by the following organisms through premises: — *Bacillus dysenteriae*, *Bacillus enteritidis*, *Bacillus paratyphosus A*, *Bacillus paratyphosus B*, *Bacillus Coli*, and *Spirillum Cholera vibrio*. For Cuspidors, Floors, Flush Bowls, Urinals, etc.," were false and misleading and tended to deceive and mislead purchasers, since the product would not form a uniform emulsion; was not stronger bacteriologically than pure carbolic acid when tested against a vigorous culture of *B. typhosus*; could not be relied upon as an aid in combating infections spread by the organisms named in the quoted statements; and it would not disinfect cuspidors, floors, flush bowls, and urinals, when used as directed.

On October 4, 1943, a plea of guilty was entered, and the court imposed a fine of \$200 each on two counts and suspended sentence on two other counts.

1901. Adulteration and misbranding of "Dixie Pineen Disinfectant" and "Dixie Supreme Creofectant." U. S. v. Daniel H. Markstein, Sr., doing business under the trade name of the Dixie Chemical Products Company, Ltd. Plea of guilty. Fine \$150. (I. & F. No. 2338. I. D. Nos. 5154, 7612, and 7621.)

Analyses of samples of "Dixie Pineen Disinfectant" showed that the product contained more than 14 percent of water.

Analysis of a sample of "Dixie Supreme Creofectant" showed that this product contained more than 10 percent water.

On January 4, 1944, the United States attorney for the Northern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Daniel H. Markstein, Sr., doing business under the trade name of the Dixie Chemical Products Company, Ltd., alleging shipments in interstate commerce, on May 27, 1942, and April 17, 1943, of quantities of "Dixie Pineen Disinfectant," from Birmingham, Ala., to Purvis and Moss Point, Miss., and, on or about June 7, 1943, of a quantity of "Dixie Supreme Creofectant," from Birmingham, Ala., to Pensacola, Fla., and charging that both products were adulterated and misbranded fungicides within the meaning of the Insecticide Act of 1910.

The "Dixie Pineen Disinfectant" was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, as shown by the following statement: "Inert Matter Not Over 14% Water," whereas the product, in both shipments, contained more than 14 percent water.

The product was alleged to be misbranded in that the statement of ingredients, as quoted in the preceding paragraph, borne on the labels, was false and misleading and, by reason thereof, the product was labeled and branded so as to deceive and mislead the purchaser.

The "Dixie Supreme Creofectant" was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, as shown by the following statement: "Inert Matter Not Over 10% Water," whereas the product contained more than 10 percent water.

The product was alleged to be misbranded in that the statement of ingredients, as quoted in the preceding paragraph, borne on the labels, was false and misleading and, by reason thereof, the product was labeled and branded so as to deceive and mislead the purchaser.

The product was alleged to be misbranded further in that the statements, "Dixie Supreme Creofectant Coal Tar Disinfectant . . ." "Dixie Supreme Creofectant . . . Directions We suggest 2 ounces to a gallon of water to make a handy disinfectant for general uses. Pour the water into the disinfectant. Suggestion for use in the sick room: Wash the floors, walls and furniture . . .

Spittoons and chambers should contain the solution and clothes and dishes used by the sick should be soaked with it before being taken from the room, using the suggested strength of 2 ounces or more to the gallon of water. . . . Suggest one ounce or more to the bucket of water for rinsing water in washing," and "Sprinkle around the room freely. Hang clothes dipped into the solution around the room," borne on the labels affixed to the drums containing the product, were false and misleading and, by reason thereof, the product was labeled so as to deceive and mislead the purchaser, since the statements purported and represented that the product was a coal tar disinfectant, that it would disinfect the articles enumerated on the label when used in specified dilution, and that it would disinfect when used as directed, whereas, in truth and in fact, the product was not a coal tar disinfectant but a mixture of coal tar disinfectant and mineral oil, the product would not disinfect the articles enumerated on the label when used in specified dilution, and it would not disinfect when used as directed.

On February 22, 1944, a plea of guilty was entered, and the court imposed a fine of \$150.

1902. Adulteration and misbranding of "Nicostick Cartridge." U. S. v. 10 cartons (12 cartridges each) of "Nicostick Cartridge." Decree of condemnation, forfeiture, and destruction. (I. & F. No. 2314. I. D. No. 6799.)

Examination of two samples of "Nicostick Cartridge" showed that the nicotine content was 22.1 percent in one sample and 24.26 percent in the other.

On May 12, 1943, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 10 cartons (12 cartridges each), more or less, of "Nicostick Cartridge," at Miami, Fla., alleging that the product had been shipped in interstate commerce, on or about May 19, 1942, by the Garden Hose Insecticide Company, from Kalamazoo, Mich., and charging that the product was an adulterated and misbranded insecticide within the meaning of the Insecticide Act of 1910.

The "Nicostick Cartridge" was alleged to be adulterated in that its strength and purity fell below the professed standard under which it was sold, as shown by the following statement: "Active Ingredients: Nicotine as Alkaloid 35%, Soap 45%, Inert Ingredients: 20%," whereas the product contained less than 35 percent nicotine as alkaloid and more than 20 percent inert ingredients.

The product was alleged to be misbranded in that the statement of ingredients, as quoted in the preceding paragraph, borne on the labels, was false and misleading and, by reason thereof, the product was labeled and branded so as to deceive and mislead the purchaser.

On February 24, 1944, no claimant having appeared, judgment of condemnation and forfeiture was entered, and it was ordered that the product be destroyed by the United States marshal.

1903. Adulteration and misbranding of "Paramount Roach Powder" and "Paramount Chloroteen Disinfectant." U. S. v. Paramount Chemical Company, a corporation. Plea of nolo contendere. Fine, \$300. (I. & F. No. 2329. I. D. Nos. 7349 and 7364.)

Examination of a sample of "Paramount Roach Powder" showed that the product consisted of 51.1 percent of sodium fluoride, about 0.08 percent of pyrethrins, and 48.82 percent of inert ingredients.

Examination of a sample of "Paramount Chloroteen Disinfectant" showed that this product consisted of 0.69 percent of sodium hypochlorite and 99.31 percent inert ingredients.

On February 2, 1944, the United States attorney for the Middle District of Georgia, acting upon a report by the Secretary of Agriculture, filed an information in the district court against the Paramount Chemical Company, a corporation, alleging shipments in interstate commerce, on or about April 29, 1943, from Columbus, Ga., to Dothan, Ala., of a quantity of "Paramount Roach Powder" which was an adulterated and misbranded insecticide, and on or about June 19, 1943, from Columbus, Ga., to Montgomery, Ala., of a quantity of "Paramount Chloroteen Disinfectant" which was an adulterated and misbranded fungicide, within the meaning of the Insecticide Act of 1910.

The "Paramount Roach Powder," was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, in view of the statements, on the labels affixed to the cans, "Active Ingredients Sodium Fluoride not less than 72%. Inert Ingredients not over 28%," whereas the product contained less than 72 percent of sodium fluoride and more than 28 percent of inert ingredients, and the active ingredients consisted of sodium fluoride and pyrethrins.

The product was alleged to be misbranded in that the statement of ingredients, as quoted in the preceding paragraph, borne on the labels, was false and misleading and, by reason thereof, the product was labeled so as to deceive and mislead the purchaser.

The "Paramount Chloroteen Disinfectant" was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, as shown by the following statements: "Active Ingredient: Sodium Hypochlorite . . . 5%" "Inert Ingredients . . . 95%," whereas the product contained less than 5 percent sodium hypochlorite and more than 95 percent inert ingredients.

The product was alleged to be misbranded in that the statement of ingredients as quoted in the preceding paragraph, borne on the label, and the statement, "One Gallon" stenciled on the bottle, were false and misleading and, by reason thereof, the product was labeled so as to deceive and mislead the purchaser, since the product contained less than 5 percent of sodium hypochlorite and more than 95 percent of inert ingredients and the net content of the bottle was less than 1 gallon.

On March 6, 1944, the defendant entered a plea of nolo contendere, and the court on March 7, 1944, imposed a fine of \$300.

1904. Adulteration and misbranding of "New-O Insecticide Spray." U. S. v. 98 quart bottles, more or less, of "New-O Insecticide Spray." Decree of condemnation, forfeiture, and destruction. (I. & F. No. 2341. I. D. No. 9306.)

On December 8, 1943, the United States attorney for the District of Minnesota, acting upon a report from the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 98 quart bottles, more or less, of "New-O Insecticide Spray," at St. Paul, Minn., alleging that the product had been shipped in interstate commerce, on February 12 and February 19, 1943, by the New-O Products, Inc., from Chicago, Ill., and charging that the product was an adulterated and misbranded insecticide within the meaning of the Insecticide Act of 1910.

The product was alleged to be adulterated in that its strength and purity fell below the standard and quality under which it was sold, as shown by the statement, ". . . AA RATING (O. T. I.) . . ." which purported and represented that the product had an AA Rating (O. T. I.), whereas the product did not have an AA Rating (O. T. I.).

The product was alleged to be misbranded in that the statements:

"New-O Insecticide Spray Quick Sure . . . Destroys all Insects Flies Ants Roaches Waterbugs . . . Carpet Beetles AA Rating (O. T. I.) . . . Directions to Kill Flies, Ants . . . Close doors and windows, directing the spray up toward the ceiling. The room should be filled with mist and remain closed for 10-20 minutes. Repeat treatment as often as necessary . . . To Kill Roaches, Waterbugs, . . . Moths and Carpet Beetles, spray thoroughly and liberally with force around refrigerators, sinks and all cabinets, around pantry shelves, into all cracks and crevices in moulding and woodwork, pipe openings in walls and floors or wherever these insects are likely to hide. Repeat treatment as often as necessary. After thoroughly applying the spray as directed sweep up all trash and rubbish, which includes dead and injured insects and burn them,"

borne on the labels affixed to the quart bottles, were false and misleading and, by reason thereof, the product was labeled and branded so as to deceive and mislead the purchaser, since the statements purported and represented that the product when used as directed was a quick and sure insecticide spray, would destroy all insects, flies, ants, roaches, waterbugs, carpet beetles, and moths, and that the product had a grade AA rating, whereas the product when used as directed was not a quick and sure insecticide spray, would not destroy all insects, would not destroy flies, ants, roaches, waterbugs, carpet beetles, and moths, and it did not have a grade AA rating.

The product was alleged to be misbranded further in that the statement, "CONTENTS ONE GALLON," borne on the labels affixed to the quart bottles, was false and misleading and, by reason thereof, the product was labeled and branded so as to deceive and mislead the purchaser, since the statement purported and represented that the bottles contained 1 gallon of the product, whereas the bottles contained less than 1 gallon of said product.

On February 17, 1944, no claimant having appeared, judgment of condemnation and forfeiture was entered, and it was ordered that the product be destroyed by the United States marshal.

1905. Adulteration and misbranding of "Roco C. T. Disinfectant." U. S. v. Royal Manufacturing Company, a corporation. Plea of guilty. Fine \$100. (I. & F. No. 2308. I. D. No. 6654.)

Examination of a sample of "Roco C. T. Disinfectant" showed that the product contained 56.5 percent water.

On June 4, 1943, the United States attorney for the Southern District of Georgia, acting upon a report from the Secretary of Agriculture, filed an information in the district court against the Royal Manufacturing Company, a corporation, alleging shipment in interstate commerce, on or about October 15, 1942, from Augusta, Ga., to Lake City, S. C., of a quantity of "Roco C. T. Disinfectant" which was an adulterated and misbranded insecticide and fungicide within the meaning of the Insecticide Act of 1910.

The "Roco C. T. Disinfectant" was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, in view of the statement on the label affixed to the drum, "Contains not over 10% Inert Matter (Water)," whereas the product contained more than 10 percent inert matter (water).

The product was alleged to be misbranded in that the statement of ingredients, as quoted in the preceding paragraph, borne on the label affixed to the drum, was false and misleading and, by reason thereof, the product was labeled so as to deceive and mislead the purchaser.

On April 11, 1944, the defendant entered a plea of guilty, and the court imposed a fine of \$100.

1906. Adulteration and misbranding of "Old Witch The Magic Washing Fluid." U. S. v. 6 cartons, 12 one-quart bottles each, more or less, of "Old Witch The Magic Washing Fluid." Decree of condemnation and destruction. (I. & F. No. 2347. I. D. No. 7552.)

Analysis of a sample of "Old Witch The Magic Washing Fluid" showed that the product contained 3.23 percent of sodium hypochlorite and 96.77 percent inert ingredients.

On January 15, 1944, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying the condemnation and seizure of 6 cartons containing 12 one-quart bottles each, more or less, of "Old Witch The Magic Washing Fluid," at Washington, D. C., alleging that the product had been shipped in interstate commerce, on or about January 12, 1943, by the Household Products Corporation, from Washington, Pa., and charging that the product was an adulterated and misbranded fungicide within the meaning of the Insecticide Act of 1910.

The product was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, as shown by the following statement: "Active Ingredients: Sodium Hypochlorite 5.25% by Weight. Inert Ingredients 94.75% by Weight," whereas the product did not contain 5.25 percent sodium hypochlorite and contained more than 94.75 percent inert ingredients.

The product was alleged to be misbranded in that the statement of ingredients, as quoted in the preceding paragraph, borne on the labels, was false and misleading and, by reason thereof, the product was labeled and branded so as to deceive and mislead the purchaser.

On March 24, 1944, no claimant having appeared, judgment of condemnation and forfeiture was entered, and it was ordered that the product be destroyed by the United States marshal.

1907. Adulteration and misbranding of "Sodium Fluoride." U. S. v. Sylvia Zalk, an individual doing business under the style and trade name of the Zalco Company. Plea of nolo contendere. Fine \$70. (I. & F. No. 2328. I. D. No. 5937.)

Examination of a sample of "Sodium Fluoride" showed that the product contained 82.5 percent of sodium fluoride, 0.15 percent of sodium silicofluoride, and 17.35 percent of inert ingredients.

On November 16, 1943, the United States attorney for the District of Minnesota, acting upon a report from the Secretary of Agriculture, filed an information in the district court against Sylvia Zalk, doing business under the style and trade name of the Zalco Company, alleging shipment in interstate commerce, on or about October 1, 1942, from St. Paul, Minn., to Fargo, N. Dak., of a quantity of "Sodium Fluoride" which was an adulterated and misbranded insecticide within the meaning of the Insecticide Act of 1910.

The product was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, in view of the statement on the labels,

| | |
|---|--------------|
| "Active Ingredients: Sodium Fluoride----- | 95 % |
| Inert Ingredients----- | 3.5% |
| Sodium Silicofluoride----- | 1.5% |
| | <hr/> 100%," |

whereas the product contained less than 95 percent sodium fluoride, less than 1.5 percent sodium silicofluoride, and more than 3.5 percent inert ingredients.

The product was alleged to be misbranded in that the statement of ingredients, as quoted in the preceding paragraph, borne on the labels, was false and misleading and, by reason thereof, the product was labeled so as to deceive and mislead the purchaser.

On February 18, 1944, the defendant entered a plea of nolo contendere, and the court imposed a fine of \$35 on each of two counts.

1908. Adulteration and misbranding of "Miller's Nicotine Roost Paint." U. S. v. Miller Chemical Co., Inc. Plea of guilty. Fine \$20 and costs. (I. & F. No. 2316. I. D. No. 4591.)

Examination of "Miller's Nicotine Roost Paint" showed that the product contained 5.75 percent of nicotine sulphate (equivalent to 4.41 percent of nicotine), 2.2 percent of phenols, and 92.05 percent of inert ingredients.

On July 6, 1943, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Miller Chemical Co., Inc., Omaha, Nebr., alleging shipment in interstate commerce, on or about September 4, 1942, from the State of Nebraska into the State of Iowa, of a quantity of "Miller's Nicotine Roost Paint" which was an adulterated and misbranded insecticide within the meaning of the Insecticide Act of 1910.

The product was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, namely, "Active Ingredients: Nicotine Sulphate 12% Nicotine as alkaloid (5.91%) Phenol 2%. Inert Ingredients 86%."

The product was alleged to be misbranded in that the statement, quoted in the preceding paragraph, and the statements, "Miller's Nicotine Roost Paint for Poultry Roosts and Coops Kills Lice and Mites . . . Directions Shake well before using. If roosts are dirty, clean them off. If whitewashed, scrape off the lime thoroughly before painting with Roost Paint. Open windows in front of house, but shut any above or behind the roosts. Do not allow drafts to blow over the roosts to carry the fumes away quickly. Be sure to provide some fresh air for the birds. The individual poultryman is best able to judge this for himself. About one hour before birds go to roost, paint the top side of roosts. Use about one ounce to 12 feet. One pint will treat about 300 feet of roosts. Poultry lice hatch in about one week's time. Fowls should be examined 10 days after first application to see if any young lice have hatched. If any are present, a second application of roost paint should be applied immediately so that these young lice will be killed before they have a chance to lay eggs. Usually the first treatment is sufficient. We do not recommend this product for use on baby chicks," borne on the label, were false and misleading and tended to deceive and mislead the purchaser, since the product contained less than 12 percent of nicotine sulphate, less than 5.91 percent of nicotine, and more than 86 percent of inert ingredients, and, when used as directed, would not control chicken lice and mites.

On July 30, 1943, a plea of guilty was entered, and the court imposed a fine of \$10 on each of two counts and the costs of the proceeding.

1909. Misbranding of "De-Tox Sterilizer." U. S. v. Vincent Barton and Clara Barton, trading as the Barton Chemical Company. Plea of guilty. Fine \$50 and costs. (I. & F. No. 2323. I. D. No. 5258.)

Analysis of a sample of "De-Tox Sterilizer" showed the product to be a solution of sodium hypochlorite containing 3.12 percent of sodium hypochlorite.

On September 2, 1943, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Vincent Barton and Clara Barton, trading as the Barton Chemical Company, alleging shipment in interstate commerce, on or about January 29, 1943, from Chicago, Ill., into the State of Indiana, of a quantity

of "De-Tox Sterilizer" which was a misbranded fungicide within the meaning of the Insecticide Act of 1910.

The product was alleged to be misbranded in that it was designated "De-Tox Sterilizer," and the statements, "This Sterilizing Compound . . . De-Tox Sterilizer is a specially prepared agent for Sterilizing Drinking Glasses, Bottles, Receptacles, Dishes, etc., to Kill Bacteria . . . De-Tox Sterilizer Kills Bacteria Dairy and Milk Plants — Institutions — Hospitals . . . Cans, Pails, Strainers — Remove milk solids by rinsing with cold water. Cleanse with warm water and De-Tox Cleaner. Then just before using immerse or rinse thoroughly inside surfaces with dilution made up of 1 ounce of De-Tox Sterilizer to each five gallons of water," borne on the label, were false and misleading and, by reason thereof, the product was labeled so as to deceive and mislead purchasers, since it was not a sterilizer and would not sterilize or kill all bacteria.

The product was alleged to be misbranded further in that the statements, "Dakin's Solution — 1 Part De-Tox Sterilizer to 10 parts water makes a Sodium Hypochlorite solution, equivalent to Dakin's Solution in disinfecting properties. . . . Hospitals — To make disinfecting solution containing 100 parts per million available chlorine — add one ounce De-Tox Sterilizer to each four gallons cold water," borne on the label, and the statement, "one gallon," stenciled on the bottle containing the product, were false and misleading and tended to deceive and mislead purchasers, since the product diluted with water as directed would not make a solution equivalent to Dakin's Solution, nor one containing 100 parts per million of "available chlorine," nor would the resulting solution be an effective disinfectant for all purposes in hospitals, and the net content of the bottle was less than 1 gallon.

On October 15, 1943, a plea of guilty was entered, and the court imposed a fine of \$50 and costs.

1910. Adulteration and misbranding of "Solarine Improved Bleach." U. S. v. 19 cases, each containing 24 one-pint bottles, more or less, of "Solarine Improved Bleach." Decree of condemnation, forfeiture, and destruction. (I. & F. No. 2346. I. D. No. 7550.)

Analysis of a sample of "Solarine Improved Bleach" showed that the product contained 3.67 percent of sodium hypochlorite and 96.33 percent of inert ingredients.

On January 15, 1944, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 19 cases, each containing 24 one-pint bottles, more or less, of "Solarine Improved Bleach," at Washington, D. C., alleging that the product had been shipped in interstate commerce, on or about January 14, 1942, by the Solarine Company, from Baltimore, Md., and charging that the product was an adulterated and misbranded fungicide within the meaning of the Insecticide Act of 1910.

The product was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, as shown by the following statement: "Active Ingredient: Sodium Hypochlorite 5¼%. Inert Ingredients 94¾%," whereas the product contained less than 5¼ percent sodium hypochlorite and more than 94¾ percent of inert ingredients.

The product was alleged to be misbranded in that the statement of ingredients, as quoted in the preceding paragraph, borne on the labels, was false and misleading and, by reason thereof, the product was labeled and branded so as to deceive and mislead the purchaser.

On March 22, 1944, no claimant having appeared, judgment of condemnation, forfeiture, and destruction was entered, and it was ordered that the product be destroyed by the United States marshal.

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